

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 03-20008-BC  
Honorable David M. Lawson

JAMES ROY SYLVESTER, JR. and  
FREDERICK LEE WYATT,

Defendants.

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**ORDER GRANTING DEFENDANT SYLVESTER'S MOTION TO EXCLUDE  
EVIDENCE OF THE SHOOTING, DENYING DEFENDANT WYATT'S MOTION TO  
EXCLUDE TESTIMONY OF THE CONFIDENTIAL SOURCE, AND EXTENDING THE  
PLEA CUT-OFF DATE**

The defendant James Roy Sylvester Jr., presently charged in a seventeen-count, eighth superseding indictment with various controlled substance and firearms offences, filed a motion to exclude testimony about a fatal shooting that occurred while he was in custody. Mr. Sylvester alleges the evidence is irrelevant and unfairly prejudicial. The defendant Frederick Lee Wyatt, presently charged in Count 13 of the eighth superseding indictment with conspiracy to distribute cocaine, filed a motion to exclude testimony of a confidential informant about drug transactions he allegedly entered into in Tennessee. Mr. Wyatt alleges the evidence is irrelevant to the conspiracy count with which he has been charged and only provides evidence of a separate conspiracy. The government filed responses in opposition to the motions, and the Court heard oral argument on the matter on August 25, 2005. The court ruled from the bench, granting Mr. Sylvester's motion.

The Court determined that Mr. Wyatt's motion should be denied without prejudice, but the matter could be revisited by the defendant during trial. Until the actual testimony is offered and the Court has the opportunity to hear it in context, it is not possible to give a definitive ruling. The

defendant Wyatt also made an oral motion to extend the plea deadline. The Court ruled from the bench, granting Mr. Wyatt's motion.

Accordingly, it is **ORDERED** that the motion to exclude evidence of the shooting by defendant James Roy Sylvester, Jr. [dkt # 149] is **GRANTED** for the reasons stated on the record.

It is further **ORDERED** that the motion to exclude testimony of the confidential informant by defendant Frederick Lee Wyatt [dkt # 148] is **DENIED** for the reasons stated on the record. The Court directs counsel for the government to state in advance, outside the jury's hearing, when she intends to offer such evidence.

It is further **ORDERED** that the plea cut-off date is extended to the close of business on **September 1, 2005**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: August 29, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 29, 2005.

s/Tracy A. Jacobs  
TRACY A. JACOBS